

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Tuesday, September 2, 2014  
at 6:00 P.M.**

**Council President Christopher T. Semonelli, Presiding**

**Vice President Robert J. Sylvia**

**Councillor Richard P. Adams**

**Councillor Bruce J. Long, arrives at 6:10 pm**

**Councillor Paul M. Rodrigues**

**Councillor M. Theresa Santos**

**Councillor Barbara A. VonVillas, Members Present**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

## **RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

**There were no reconsiderations.**

## **6:00 PM - EXECUTIVE SESSION**

- 1. Executive Session – Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (Teamsters Union), (1) Personnel (Town Administrator) and (2) Potential Litigation .**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:01 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 7:05 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to seal the executive session minutes pursuant to Section 42-46-7. RIGL.**

## **PUBLIC FORUM**

**2. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.**

**No one spoke during this session.**

**Councillor Santos requested that items #3, #5 and #6 be heard under**

**the regular portion of the docket.**

## **CONSENT**

**3.**

**Communication of Tax Collector by Tax Assessor, thru Town Administrator, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.**

**Councillor Santos inquired if the listing of taxpayers in the Tax Collector's communication were on a prior list and if they have been omitted from the tax roll.**

**Town Administrator Shawn Brown noted that he will research her inquiry.**

**4. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.**

**5. Memorandum of Clean Ocean Access, re: Quarterly Report Adopted CRMC Public Rights of Way (2014/Q1).**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor Santos questioned if there may be a better description of the public right of ways that are indicated on the Quarterly Report Adopted by CRMC Public Rights of Way (2014/Q1).**

**Town Administrator Shawn Brown, responding to Council Santos noted that CRMC has a publication with a map of the Public Rights of Way, which he will forward the link to her for review.**

**6. Memorandum of Clean Ocean Access, re: Quarterly Report Adopted CRMC Public Rights of Way (2014/Q2).**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor Santos noted that she had the same question for, item #6 and that she had asked in item #5.**

**7. Application for Special Event Permit from Rhode Island Turnpike and Bridge Authority, for 4 Bridges Ride (Bike Ride for Charity) beginning in North Kingstown and ending in Bristol, going over 4 bridges, to be held on Sunday, September 21, 2014 from 7:00 am to 9:00 am.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit.**

**8. Application for Special Event Permit from the Quahaug Chapter, for 51st Camp-O- Rama (Family Camping Event) to be held at Sachuest Beach, West Parking Lot, beginning September 17, 2014 thru September 21, 2014.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit.**



**9. Application for Special Event Permit from Scott Gallo for the Red Bull Regatta, Land Sailing Exposition, to be held at Second Beach on Saturday, October 18, 2014, beginning at 12:00 pm to 3:00 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit.**

## **LICENSES AND PERMITS**

**10. Application for Special Event Permit from Middletown Prevention Coalition, for Middletown Family Day – Build Healthy Kids to be held at Linden Park on Sunday, October 12, 2014 from 12:00 pm to 5:00 pm. (Request to waive fee on application)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit and waive said fee.**

**11. Application for Special Event Permit from All Saints Academy, for All Saints Academy Artisian Bazaar to be held at All Saints Academy School, 915 West Main Road on Saturday, November 22, 2014 from 9:00 am to 4:00 pm. (Attached is a request to waive fee)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit and waive said fee.**

## **ORDINANCE**

**12. An Ordinance of the Town of Middletown (Second Reading)**

**An**

**Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code, Chapter 74 Parking Schedule, Schedule IV HANDICAPPED PARKING.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

## **OTHER COMMUNICATION**

**13. Continued from Regular Meetings, June 17, 2013, July 15, 2013, October 21, 2013, November 18, 2013, January 27, 2014 and February 18, 2014)**

**Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, with enclosures, re: Impact Fee Schedule Recommendation.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Administrator Shawn Brown noted that the Impact Fee**

**Schedule recommendation has been continued for approximately one year and Council action is needed.**

**Town Administrator Shawn Brown reviewed the Town of Middletown Impact Fee Summary, entered here:**

**Mr. Brown noted that if the Impact Fee monies are not spent within eight years, the monies must be returned to the applicants.**

**Town Administrator Shawn Brown reviewed the following chart, entered here:**

**Discussion centered around an impact fee implemented to fund stormwater and road improvements, a school facility plan, impact fees can only be used if the project adds to capacity, current Capital Improvement Plan projects, impact aid fees are paid by applicants with new construction only, exemptions from impact fees, the current Development Impact Fees ordinance and RIGL Title 45 Rhode Island**

## **Development Impact Fee Act.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 7:50 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 8:00 pm.**

**Councillor VonVillas requested a simple definition for Impact Fees.**

**Town Administrator Shawn Brown reviewed the following, RIGL entered here:**

**Assistant Town Solicitor Turner Scott reviewed the following, entered here:**

**Councillor Long reviewed the following, entered here:**

**Discussion centered around School Facility Plan, projects in the Capital Improvement Plan, the need for a plan to enable the Town to continue to retain the Impact Fee monies, Town capacity decreasing, and having the Town Solicitor's Office amend the current Impact Fee Ordinance.**

**Antone Viveiros, 110 Indian Hill Road, inquired if the Impact Fees were only for new construction and not for additions to existing homes.**

**Town Administrator Shawn Brown, responding to Mr. Viveiros, explained that the Impact Fees are only for new construction.**

**Karen Weber, 45 Wyatt Road, addressed the Council noting that she**

**paid the impact fee when her aunt's property was subdivided. Ms. Weber expressed concern that she to pay impact fees after her Aunt had paid taxes to the Town for years.**

**Assistant Town Solicitor Turner Scott explained that because the land was subdivided, it added to Town capacity the Impact Fee was required.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to direct the Town Solicitor to amend the Development Impact Fees Ordinance, as recommended by the Planning Board.**

**TOWN ADMINISTRATOR**

**14. Memorandum of Town Planner, thru Town Administrator, re: 2014 RIDEM Non-point Source & Narragansett Bay Restoration Grants.**

**Town Administrator Shawn Brown reviewed the memorandum, entered**

**here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**15. Resolution of the Council, re: Authorizing submission of application for 2014 RIDEM Non-point Source & Narragansett Bay Restoration Grants.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.**

**APPOINTMENTS TO BOARDS & COMMITTEES**



**16. Appointment of one (1) member to the Committee for the Arts, to complete a term expiring April 2015.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Elaine Aidinoff Edelberg to the Committee for the Arts, for a term expiring April 2015.**

**17. Appointment of two (2) members to the Library Board of Trustees, for terms expiring September 2017.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Ernest B. Gibbons, Jr. and appoint Robert Crump to the Library Board of Trustees, for a terms expiring September 2017.**

**18. Appointment of one (1) member to the Personnel Review Board,**

**for a term expiring June 2017. (Bi-Partisan Board – Republican Representative)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Robert Crump to the Personnel Review Board (Republican Representative), for a term expiring June 2017.**

**19. Appointment of one (1) member to the Conservation Commission, for a term expiring July 2017.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint David Huntoon to the Conservation Commission, for a term expiring July 2017.**

**20. Memorandum of Town Administrator, with enclosure, re: East Bay Energy Consortium ‘Sunsetting’.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and Sunset the East Bay Consortium Committee, which is no longer active.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 8:27 pm.**

---

**Wendy J.W. Marshall, CMC**

**Council Clerk**

**Published by ClerkBase**

